

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ONIS CARRABINE POTTER,
Petitioner,
v.
STATE OF IDAHO,
Respondent.

No. 2:23-cv-2136 DJC CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 12, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and

1 recommendations to be supported by the record and by the magistrate judge's
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed October 12, 2023, are adopted in
5 full;
6 2. Petitioner's petition for a writ of habeas corpus is summarily dismissed; and
7 3. The Court declines to issue the certificate of appealability referenced in 28
8 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
9 constitutional right, see 28 U.S.C. § 2253(c)(2); and
10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

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13 Dated: **February 23, 2024**


14 Hon. Daniel J. Calabretta
15 UNITED STATES DISTRICT JUDGE
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